

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Arthur Doiron

v.

Civil No. 16-cv-264-SM

FNU Camirand et al.

REPORT AND RECOMMENDATION

On December 29, 2016, the court issued an Order (Doc. No. 9) dismissing this case, and entered Judgment (Doc. No. 10). The following day, plaintiff Arthur Doiron filed a document (Doc. No. 11) in this court indicating that, due to his frequent arrests, incarcerations, and releases from jail during the second half of 2016, he had not received some court mail during that time frame.

The court construed the December 30 filing as an attempt to file a motion for relief from judgment in this case, and issued an Order (Doc. No. 13) granting plaintiff leave to file an amended motion for relief from judgment, stating his grounds for seeking such relief. Doiron responded by filing a motion to voluntarily dismiss this case without prejudice (Doc. No. 14). As Judgment has already entered in this case, and thus there is no open case to dismiss, the court construes Doiron's motion as

a motion to withdraw his motion to reopen this case, without prejudice to his ability to file a new motion for relief from judgment at a future date. So construed, that motion should be granted.

Conclusion

The district judge should grant Doiron's motion to withdraw his motion to reopen this matter, without prejudice to Doiron's ability to file a new motion to reopen this case at a later date. Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). The fourteen-day period may be extended upon motion. Failure to file specific written objections to the Report and Recommendation within the specified time waives the right to appeal the district court's order. See Santos-Santos v. Torres-Centeno, 842 F.3d 163, 168 (1st Cir. 2016); Fed. R. Civ. P. 72(b)(2).



Andrea K. Johnstone
United States Magistrate Judge

May 12, 2017

cc: Arthur Doiron, pro se